

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

MARIA CONSUELO BENAVIDEZ

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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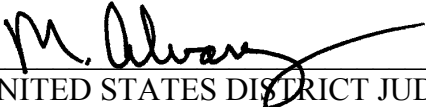
Civil Action No. L-04-47

ORDER

Pending before the Court is Petitioner's Motion for Judicial Recommendation Against Deportation ("JRAD"). Petitioner seeks relief based on a remedy that has long since been abrogated. The Immigration and Nationality Act of 1990 repealed the Court's power to issue a JRAD for "convictions entered before, on, or after" its enactment date, November 29, 1990. Pub. L. No. 101-649, § 505, 104 Stat. 4978, 5050 (1990); *See Renteria-Gonzalez v. I.N.S.*, 322 F.3d 804, 811 n.5 (5th Cir. 2002). Petitioner pled guilty to money laundering and conspiracy to import a quantity in excess of 5 kilograms of cocaine and was sentenced on July 25, 2002. As such, petitioner is not entitled to relief. In fact, 8 U.S.C. § 1251(b) that petitioner relies on no longer exists since 8 U.S.C. § 1251 was transferred to 8 U.S.C. § 1227 on September 30, 1996. Nevertheless, even if 8 U.S.C. § 1251(b) remained in effect, petitioner would not be entitled to relief since a JRAD was not available to aliens convicted of narcotics offenses. *See Nunez-Payan v. I.N.S.*, 811 F.2d 264, 267 (5th Cir. 1987). Therefore, petitioner's request for a Judicial Recommendation Against Deportation is DENIED.

IT IS SO ORDERED.

Done this 26th Day of May 2005, in Laredo, Texas.


UNITED STATES DISTRICT JUDGE